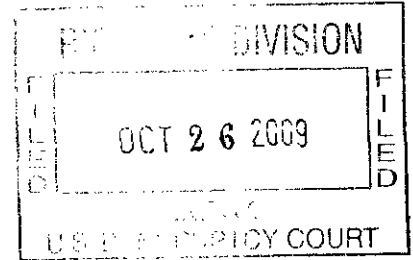


UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division



In re:	)	Chapter 11
	)	
CIRCUIT CITY STORES, INC., <u>et al.</u> ,	)	Case No. <b>08-35653</b>
	)	
Debtors.	)	Jointly Administered
	)	

**CREDITOR ADA ALICEA'S MOTION TO APPEAR TELEPHONICALLY  
AT THE NOVEMBER 2, 2009 OMNIBUS CONFERENCE**

Ada Alicea, on behalf of herself and all others similarly situated ("Creditor"), by and through her undersigned counsel, hereby requests that the Court permit Creditor's counsel to appear at the November 2, 2009 Omnibus Conference Telephonically. In support of this Motion, Creditor states as follows:

1. On May 23, 2007, Creditor Alicea commenced a class action styled Alicea v. Circuit City Stores, Inc., Index No. 15520/07, in the Supreme Court of the State of New York, Bronx County (the "New York State Court Action") on behalf of herself and all others similarly situated. Creditor Alicea's Complaint seeks redress for Debtor's deceptive and otherwise improper business practice of imposing "restocking fees" in the amount of 15% of the purchase price of returned items, resulting in the Debtor's improper and unlawful monetary gain. Creditor's Complaint alleged, on a class-wide basis, violations of New York General Business Law § 349 (New York's consumer protection law) and asserted common law claims under New York law for unjust enrichment and breach of contract.

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Christine M. Ford (NY Bar No.2897999)  
MEISELMAN, DENLEA, PACKMAN,  
CARTON & EBERZ P.C.  
1311 Mamaroneck Avenue  
White Plains, NY 10605  
Phone: (914) 517-5000  
Facsimile: (914) 517-5055  
*Counsel to Ada Alicea, on Behalf of  
Herself and All Others Similarly Situated*

2. On January 23, 2009, Creditor Alicea, through her counsel, timely filed a proof of claim with claims administrator Kurtzman Carson. Creditor Alicea's claim is identified as claim number 6283.

3. Creditor submitted a timely response in opposition to Debtors' Thirty-First Objection to Claims [Docket No. 4585]. Pursuant to the Court's order entered October 16, 2009 [Docket No. 5294], Creditor's claim is among those to be addressed at the omnibus status conference scheduled for November 2, 2009.

4. Creditors' counsel is located in New York State. In order to avoid the time and expense of traveling to Virginia for the omnibus status conference, Creditor respectfully requests that the Court permit Creditor's counsel to appear by telephone at the November 2, 2009 conference, rather than make a personal appearance.

Dated: October 23, 2009

Respectfully submitted,

/s/ Christine M. Ford  
Christine M. Ford (NY Bar No.2897999)  
MEISELMAN, DENLEA, PACKMAN,  
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1311 Mamaroneck Avenue  
White Plains, NY 10605  
Phone: (914) 517-5000  
Facsimile: (914) 517-5055  
*Counsel to Ada Alicea, on Behalf of  
Herself and All Others Similarly Situated*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of October 2009, a copy of the foregoing Motion and Proposed Order was served by U.S. Mail, postage prepaid upon the following:

Skadden, Arps, Slate, Meagher & Flom, LLP  
One Rodney Square  
P.O. Box 636  
Wilmington, DE 19899-0636  
Attn: Gregg M. Galardi  
Attn: Ian S. Fredericks

-and-

Skadden, Arps, Slate, Meagher & Flom, LLP  
155 North Wacker Drive  
Chicago, Illinois 60606  
Attn: Chris L. Dickerson

McGuireWoods LLP  
One James Center  
Richmond, VA 23219  
Attn: Dion W. Hayes  
Attn: Douglas M. Foley

/s/ Christine M. Ford

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In re:	)	Chapter 11
	)	
CIRCUIT CITY STORES, INC., <u>et al.</u> ,	)	Case No. <b>08-35653</b>
	)	
Debtors.	)	Jointly Administered
	)	

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**[PROPOSED] ORDER GRANTING CREDITOR ADA ALICEA'S  
MOTION TO APPEAR TELEPHONICALLY AT THE  
NOVEMBER 2, 2009 OMNIBUS CONFERENCE**

The Court hereby GRANTS Creditor Ada Alicea's Motion to Appear Telephonically At  
the November 2, 2009 Omnibus Conference.

Dated: Richmond, Virginia  
October \_\_, 2009

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HONORABLE KEVIN R. HUENNEKENS  
UNITED STATES BANKRUPTCY JUDGE

**MEISELMAN, DENLEA, PACKMAN,  
CARTON & EBERZ P.C.**

**Attorneys at Law**

1311 MAMARONECK AVENUE, WHITE PLAINS, NY 10605  
TEL: (914)517-5000 | FAX: (914)517-5055

October 23, 2009

**Via: Federal Express**

Clerk of the Bankruptcy Court  
United States Bankruptcy Court  
701 East Broad Street – Room 4000  
Richmond, Virginia 23219

Re: *In re Circuit City Stores, Inc.*  
Case No.: 08-35653  
Our File No.: 14757

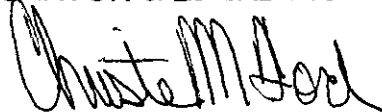
Dear Sir or Madam:

Enclosed is an original and a copy of Creditor Ada Alicea's Motion to Appear Telephonically at the November 2, 2009 Omnibus Conference and Proposed Order. Please file the original and return a filed-stamped copy in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter.

Very truly yours,

MEISELMAN, DENLEA, PACKMAN,  
CARTON & EBERZ P.C.



Christine M. Ford

CMF/bls  
Encl.

cc:	Gregg M. Galardi, Esq.	(Via: Regular Mail, w/encl.)
	Ian S. Fredericks, Esq.	(Via: Regular Mail, w/encl.)
	Chris L. Dickerson, Esq.	(Via: Regular Mail, w/encl.)
	Dion W. Hayes, Esq.	(Via: Regular Mail, w/encl.)
	Douglas M. Foley, Esq.	(Via: Regular Mail, w/encl.)